

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JIM BOGNET; et al.,)	Civil Action
)	
Plaintiffs,)	
)	No. 3-20-cv-215
v.)	
)	
KATHY BOOCKVAR; et al.,)	
)	
Defendants.)	Judge Kim R. Gibson

**POTTER COUNTY BOARD OF ELECTION’S JOINDER
IN SECRETARY BOOCKVAR’S AND CERTAIN
COUNTY DEFENDANTS’ OPPOSITION TO
PLAINTIFFS’ MOTION FOR TEMPORARY RESTRAINING ORDER**

Defendant, Potter County Board of Elections (“Potter County”), files this Joinder in Opposition to Plaintiffs’ Motion for Temporary Restraining Order [EFC#5]. Plaintiffs’ Motion should be denied for all the reasons stated in the opposition brief of Defendant Kathy Boockvar, Secretary of the Commonwealth of Pennsylvania [EFC#59]. Potter County joins in Secretary Boockvar’s arguments and incorporate them by reference.

In addition, Potter County joins in the Brief of Certain Defendants [EFC#63] which argues that a temporary restraining order or injunction countermanding a decision of the Pennsylvania Supreme Court is not in the public interest so close to the November 3, 2020 election. As the Supreme Court recently reiterated, “lower federal courts should ordinarily not alter the election rules on the eve of an election.” *Republican Nat’l Comm. v. Democratic Nat’l Comm.*, 140 S. Ct. 1205, 1207 (2020); see also *Purcell v. Gonzales*, 549 U.S. 1, 4–5 (2006) (“Court orders affecting elections, especially conflicting orders, can themselves *** result in voter confusion and consequent incentive to remain away from the

polls. As an election draws closer, that risk will increase.”). An order altering the decision of the Pennsylvania Supreme Court could cause disruption to election administration efforts and injure the County’s residents who submit their ballots by mail, counting on the three-day extension to ensure adequate time for their ballot’s delivery. The election is eight days away. This Court should deny Plaintiffs’ request for a temporary restraining order.

Respectfully submitted,

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Dated: October 26, 2020

CERTIFICATE OF SERVICE

I hereby certify that on this day, a true and correct copy of the foregoing document was filed electronically. Notice of this filing will be sent to all registered parties by operation of the Court's electronic filing system, pursuant to the Federal Rules of Civil Procedure.

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Dated: 10/26/2020